

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

IN RE CMS ENERGY SECURITIES
LITIGATION

Civil Action No. 02 CV 72004
(Consolidated)

HON. GEORGE CARAM STEEH

ORDER RE: SECOND DISTRIBUTION OF CLASS SETTLEMENT FUND

WHEREAS, the settlement of this class action pursuant to the terms of the Stipulation and Agreement of Settlement dated May 22, 2007 (the “Stipulation”) was approved and on September 6, 2007, this Court entered an Order and Final Judgment approving the Settlement and the Plan of Allocation, and directing the parties to consummate the Settlement; and

WHEREAS, this Court entered an Order Regarding Distribution of the Settlement Fund, dated June 27, 2008 (the “Initial Distribution Order”), pursuant to which the Net Settlement Fund was initially distributed to Class Members whose Proof of Claims were accepted; and

WHEREAS, it is now after one year after the initial distribution was made to the Class and there is approximately \$1,006,000 remaining in the Net Settlement Fund by reason of returned or unpaid distributions or otherwise; and

WHEREAS, this Court has retained jurisdiction of the above-captioned action (the “Action”) for the purpose of considering any further application or matter which may arise in connection with the administration and execution of the Settlement.

NOW, THEREFORE, upon reading and filing the Affidavit of Stephen J. Ciriemi of The Garden City Group, Inc., and upon all prior proceedings herein, and having received no objections to the Motion for Order Authorizing Payments to Late Submitted and Late Corrected

Claims, and for Re-Distribution of Remaining Class Settlement Fund, and after due deliberation, it is hereby

ORDERED, that, notwithstanding the provision of the Initial Distribution Order against accepting additional claims submitted after June 5, 2008, in view of the funds available to pay such claims, the otherwise acceptable late-submitted and late-corrected Proofs of Claim as described in the Cirami affidavit are approved and such claims are to be paid from the Net Settlement Fund the amounts that they would have received had they been included in the Initial Distribution; and it is further

ORDERED, that The Garden City Group be paid the sum of \$31,313.65 from the Gross Settlement Fund for their unpaid fees and expenses incurred subsequent to the Initial Distribution and to be incurred in connection with the distributions authorized by this Order and the follow up thereto in connection with services performed with respect to the settlement administration; and it is further

ORDERED, that the balance of the Net Settlement Fund after deducting the amounts provided for by the two preceding paragraphs, shall be re-distributed to eligible claimants who have cashed their Initial Distributions and who would receive at least \$10.00 on such re-distribution based on their Recognized Claims; and it is further

ORDERED, that the payments to be re-distributed shall bear the notation “CASH PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION TO CHARITY IF NOT CASHED WITHIN 90 DAYS FROM THE DATE OF ISSUE.” Lead Plaintiffs’ Co-Lead Counsel and the Claims Administrator are authorized to take appropriate action to locate and or contact any eligible claimant who has not cashed his, her or its distribution within said time; and it is further

ORDERED, that, as provided in the Plan of Allocation previously approved by the Court, that if, six months after such re-distribution, any funds shall remain in the Net Settlement Fund, then such balance shall be contributed to non-sectarian, not-for-profit, 501(c)(3) organization(s) designated by Lead Plaintiffs' Co-Lead Counsel [and selected by former appellants Dennis DePra and David Mikelonis; and it is further

ORDERED, that this Court retain jurisdiction over any further application or matter which may arise in connection with this Action; and it is further

ORDERED, that no further claim may be accepted for any reason whatsoever.

Dated: June 23, 2010

s/George Caram Steeh
Hon. George Caram Steeh
United States District Judge